

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 3673  
 )  
 JACKSON et al. ) Confirmation No.: 7252  
 )  
 Serial No.: 10/688,216 ) Examiner: SINGH, SUNIL  
 )  
 Filed: October 15, 2003 ) SUPPLEMENTAL INFORMATION  
 ) DISCLOSURE STATEMENT  
 )  
 Atty. File No.: 4770-37 )  
 ) Electronically Submitted  
 )  
 For: "AUTOMATED EXCAVATION )  
 MACHINE" )

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-SB08 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with 37 C.F.R. § 1.98(a).

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. § 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.S./

Serial No. \_\_\_\_\_ filed \_\_\_\_\_



Other: \_\_\_\_\_

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li> <li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li> <li><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li> <li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li> </ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> <li>(1) a final action under 37 C.F.R. 1.113 or</li> <li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li> <li>(3) an action that otherwise closes prosecution in the application.</li> </ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(c). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li> </ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li> </ul>

**Certification (37 C.F.R. 1.97(e))**  
 (Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(c)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Date: Dec. 18, 2006

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10688216
				Filing Date	10/15/03
				First Named Inventor	Jackson
				Art Unit	3673
				Examiner Name	SINGH, SUNIL
Sheet	1	of	1	Attorney Docket Number	4770-37

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	919,105	4/20/1909	Wischow	
	2	1,365,748	1/18/1921	Thorn	
	3	3,620,573	4/10/1969	Desmond De Villiers Oxford	
	4	4,123,109	10/31/1978	Hill	
	5	4,213,653	7/22/1990	Grenia	
	6	4,293,077	10/6/1981	Makino	
	7	4,330,155	5/18/1982	Richardson et al.	
	8	4,523,651	6/18/1985	Coon et al.	
	9	5,662,387	9/2/1997	Bartkowiak	
	10	6,304,973	10/16/2001	Williams	
	11	6,431,654	8/13/2002	Kleuters	
	12	2004/0207247	10/21/2004	Jackson et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
		Country Code <sup>2</sup> ; Number <sup>3</sup> ; Kind Code <sup>4</sup> (if known)				

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. <sup>1</sup>	
	13	Asbury et al., "A New Concept for Selective Mechanical Mining of Hard Rock", date unknown
	14	Friant et al., "Mini-Cutter Technology - The Answer To A Truly Mobile Excavator", Proceedings of North American Tunneling 1994 Conference and Exhibition; Denver, Colorado, June 6-9, 1994; 8 pages
	15	Ronnkvist et al., "Development Of A Mechanical Alcove Excavator For the Yucca Mountain Exploratory Study Facility", 6 pages, date unknown
	16	Ronnkvist et al., "Testing And Performance Evaluation Of A 32 Inch Cutterhead Using Mini Disc Cutters", Proceedings of ISDT Annual Technical Conference 1994; Las Vegas, Nevada; April 18-21, 1994; 8 pages
	17	Rostami et al., "Mini-Disc Equipped Roadheader Technology for Hard Rock Mining", p. 16-1 to 16-12, Golden, Colorado, date unknown

Examiner Signature	/Sunil Singh/	Date Considered	02/21/2010
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.S./